

REMARKS

This Application has been carefully reviewed in light of the recent Final Office Action mail November 4, 2005. At the time of the Final Office Action, Claims 1, 4, 6-40, 42-78, 159, and 161-168 were pending in the Application. Applicant amends Claims 1, 23, 39, 77-78, 101, 128, and 155 without prejudice or disclaimer. The amendments to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

At this time, Applicant does not present any further arguments to enlighten the Examiner as to the allowability of the pending claims. These claims were actually allowable *before* these amendments were made, as the current amendments were only made in response to what Examiner Bass had requested. Sadly, those amendments were never considered or entered, this case has *still* not been allowed, and this case is about to go abandoned.

Applicant wishes to express his overwhelming disappointment in how this case has been handled. The only reason why this RCE is being filed is because of the gross mishandling of the instant application. "Lost faxes" and "amendments that were never entered" (even though the requisite fees were paid to enter said amendments) represent new issues never before encountered by Attorneys for Applicant. Applicant hopes that the involvement of Examiner Hayes will improve the prosecution of the pending case.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims.

Applicant requests the Commissioner to refund the previously paid fee of \$120.00 for entering amendments to the instant application. That request was filed on April 25, 2006. This request was made at the suggestion of Examiner Hayes, yet his subordinate Examiner Bass, who is responsible for handling this case, opted not to enter said amendments.

The Commissioner is hereby authorized to charge the amount of \$395.00 to satisfy the request for the continued examination fee of 37 C.F.R. §1.17(e) to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,  
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